

PATENT COOPERATION TREATY


PCT

REC'D 16 NOV 2005

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference INT1130/DD | | FOR FURTHER ACTION | | See Form PCT/PEA/416 |
| International application No. PCT/ZA2004/000098 | | International filing date (day/month/year) 13.08.2004 | | Priority date (day/month/year) 14.08.2003 |
| International Patent Classification (IPC) or national classification and IPC A01G27/06 | | | | |
| Applicant BUITENDAG, Roelof Adriaan ET AL. | | | | |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 4 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | | |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> | | | | |
| Date of submission of the demand 11.03.2005 | | Date of completion of this report 17.11.2005 | | |
| Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 | | Authorized Officer Caldentey Pozo, F Telephone No. +31 70 340-4106 | | |



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/ZA2004/000098

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-16 as originally filed

Claims, Numbers

1-30 filed with telefax on 11.03.2005

Drawings, Sheets

1/6-6/6 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/ZA2004/000098

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 1-30 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 1-30 |
| | No: Claims | |
| Industrial applicability (IA) | Yes: Claims | 1-30 |
| | No: Claims | |

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

D2: US-A-3 753 315

D3: US-A-2 288 678

2. The document D2 discloses, see D2, col. 1, line 43 till col. 2, line 56 and figs 1-3, (the references in parentheses applying to this document):

An irrigation unit which includes a body which has an upper side, a lower side, a base (6) on the lower side, an outer wall which extends upwardly from the base and an inner wall which is engaged with and spaced from the outer wall, a cavity formed by the body, a reservoir (2) defined between the inner and the outer walls which has an inlet (3) thereto and an outlet (4) therefrom into the cavity, an open ended fluid passage (5) which has an upper end which terminates in the reservoir and a second lower end (13) which terminates in the cavity and a support formation in the cavity which has a platform (7, 8, 9) and a plurality of spacers (9a) engaged with the platform with which the platform is spaced from the base.

- 3.2. The subject-matter of **claim 1** therefore differs from this known irrigation unit in that it has an overflow formation which extending from the body through the platform is in communication with the cavity.

- 3.3. The subject-matter of claim 1 is therefore **new (Article 33(2) PCT)**.

4. The problem to be solved by the present invention may therefore be regarded as to avoid the over watering of the plants in the container, their drown due to excessive normal watering or rain or that the vacuum formed in the tank is for whatever reason compromised (see description, page 1, paragraphs 3 and 4).

- 4.1. The solution to this problem proposed in claim 1 of the present application is considered as **involving an inventive step (Article 33(3) PCT)** because although D3

discloses a similar irrigation unit with an overflow formation extending from the body and which is in communication with the cavity, the platform disclosed in D2 neither has a hole through which the overflow formation of D3 could extend nor there is a hint in D3 which will make the man skilled in the art to think about a possible platform to displace the plant material and soil from the base in order to avoid the blockage or malfunction of the overflow formation or the problems related to excessive watering of the plants.

5. **Claims 2 to 30** are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.